8-1-2007: Present: Mr. S. Gandhi, Advocate, for the Petitioner.

Mr. M.S. Chandel, Advocate General with Mr. R.M. Bisht, Dy. Advocate General for the Respondents No. l to 3.

The petitioner in the present writ petition had filed a Petition under Section 54 of H.P. Consolidation of Holdings (Prevention of Fragmentation) Act, 1971 before respondent No.2 in the year 1989. According to the petitioner, at the relevant time, he was serving in Indian Army and an intimation was sent by the Army authorities to the Director of Consolidation that intimation of the proceedings be sent to the petitioner at his Ahemdabad address where he was posted. This was not done and notice of the petition was sent to the petitioner at his permanent address in District Una. Admittedly, this notice was received by the brother of the petitioner who is one of the respondents in the revision petition. The petition was dismissed for default on 20.10.1992. Thereafter, on 17-8-1993 the petitioner sent a letter to the Director of Consolidation for re-consideration of the said order. It is pertinent to note that this is not an application moved to the Director Consolidation and is only an communication addressed for re-consideration of the order dated 20.10.1992 and requesting the Director Consolidation to re-open the case for early hearing. The petitioner thereafter, even according to his own version, did not file any application either before the Director Consolidation or before any other Judicial Authority or Court. He kept on sending the communications to the respondent no.2 and other officials.

The petition, in our view, is miserably barred by delay and laches. Rights of the parties were determined, rightly or wrongly, in October, 1992.

This cannot be allowed to be challenged after fourteen years that too when there is no explanation worth the name by the petitioner as to what prevented him from approaching this Court earlier.

The petition is therefore rejected.

CMP No. 2176 of 2006.

Infructuous.

(Deepak Gupta), J.

(Surinder Singh), J.

January 8, 2007
(BM)